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Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

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CRIME PREVENTION

Eduardo VETERE, Executive Secretary of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, details world efforts to combat national and international crime. Transnational crimes are diversified to include big profits and low risk. Resources are needed to enable countries to fight crimes and treat offenders. The Commission on Crime Prevention and Criminal Justice is the major functional body of the United Nations providing policy guidance in the field of crime and criminal justice. Mr. Vetere calls on the nations of the world to ratify and implement the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

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ANNOUNCER: From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns, and this is **World Chronicle**.

With rapidly growing populations, world urban centres have become a breeding ground for crime. By the first decade of the next century, more than half of the urban population world-wide is likely to have been victimized at least once in their lifetime. Organized crime has become predominantly transnational. International criminal activities include drug trafficking, money laundering, the illegal arms trade, including nuclear materials, and smuggling. What can the international community do to combat these common dangers to our societies?

Our guest today is an expert on crime. He is Eduardo Vetere, Executive Secretary of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Joining me to talk with Mr. Vetere are Tuyet Nguyen of United Press International and Judith Aita of USIA Press Service.

Mr. Vetere, welcome to World Chronicle.

VETERE: Thank you.

LITTLEJOHNS: Mr. Vetere, when President Clinton was in New York for the fiftieth anniversary commemoration of the United Nations, in his address to the General Assembly he made the point that international crime was one of the worst problems confronting humanity today and emphasized the need for the United Nations to be at the centre of efforts to combat this very dangerous phenomenon. What kind of follow-up will there be from the UN side to the President's proposals, particularly in the area of money laundering? He made a great point of money laundering and perhaps the need for sanctions against countries that encourage, or turn a blind eye, tolerate this activity.

VETERE: No doubt the speech of President Clinton for the fiftieth anniversary celebration of the United Nations has been not only a message of new ideas and new plans, but also has given the possibility of coming with concrete proposals regarding future priority-setting of the United Nations. And, as you say, crime, particularly transnational crime — organized crime, terrorism, drug trafficking — has been placed very high on this new agenda. This has been a kind of crescendo, because President Clinton in San Francisco in June had already placed transnational crime as one of the main future priorities and activities of the United Nations, and the Secretary of State, Mr. Christopher, in his address for the opening of the General Assembly had repeated the same priority areas, but even going further, to the point of considering transnational crime as a threat to security, and therefore as a matter properly to be dealt with even at the level of the Security Council.

LITTLEJOHNS: Mr. Vetere, in the introduction we mentioned the problem of illicit transfers of arms, including nuclear materials. How serious a problem is that? Is it more serious than drug trafficking?

VETERE: I don't think it's a question of saying which one is more serious than the others. More and more we see that those phenomena are very, very much interlinked and crossing borders, and arms become particular goods which are being exchanged against drugs or against illegal money or against nuclear material. In a sense there is a great diversification of activities on the part of transnational organized crime, on one side, and, on the other, the fact of extending those activities to new areas, depending on two main factors: profit and low risks. And of course whenever the action of contracts by the State is affecting one of those two elements, new areas for further expansion are being located.

Before, you asked me what the United Nations is doing, and I was prepared to answer to those challenges particularly with reference to money laundering. Of course, money laundering is a particular issue which constitutes in a sense the Achilles' heel of the entire strategy against organized crime, and mainly because we are touching organized crime in their profit-making activities. And of course as far as money laundering is concerned, as you may know, there is a convention on illicit drug trafficking* which has important provisions related to cooperation on the part of all countries which have ratified the Convention to have joint action at the level of investigations, at the level of police cooperation, and at the level of mutual assistance in order to deal with the problem of money laundering. In addition to the convention which regulates this particular aspect, there has been the Financial Action Task Force of the G-8 [Group of Eight] of the major industrialized countries, which has agreed on a number of very important recommendations which are being implemented by a number of countries. The Summit of the Americas last year has taken a firm commitment to consider money laundering as a top priority, and at the next conference of the Summit of the Americas a new plan regarding a number of points related to money laundering activities or measures against money laundering is being placed on the agenda. So a lot is being done on this.

NGUYEN: Mr. Vetere, after the Osaka earthquake, which happened not too long ago, the construction business moved in. That business is owned mostly by the mafia in Japan. The Government knew it, but could not stop them taking over that booming business, the construction business, in that devastated city. How do you explain

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* The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; Vienna, 1988.

Governments that are fighting crime having to give in to those kinds of business? You know, when the mafia takes over, nobody can stop it.

VETERE: This demonstrates, in a sense, power, not only in terms of control of financial markets and economic markets of organized crime, but, in a sense, the power of organized crime also over a territory. Whenever there are moments of crises, like an earthquake, like particular dislocations, of course this is the moment of truth for most of the governmental structure, going from the police to the crisis institutions which are supposed to intervene. And very often even in the most sophisticated system there are always the possibilities of giving gaps. And organized crime is very, very fast, being there on the territory and having contacts with the local population, which in a sense is completely at a loss for what has happened, to intervene in this interstice. Now, it's not only the question of the fact of the construction business, it was just the question that there was almost a kind of vacuum of the organizational structure of the State due to the earthquake, and organized crime and the Yakuza and the others were fast enough to enter into the scene. And, of course, they will exploit the fact that they have entered into the scene for their economic purpose.

However, this demonstrates that even in countries which are economically very powerful, very well organized, like Japan, organized crime is almost a state against a state. And if this is so in countries like Japan or in countries like the United States, you can imagine how much more difficult and serious this situation can be in other countries where the judicial operators, where the duly constituted authorities are not so strong as in countries like the US and Japan.

LITTLEJOHNS: Judith Aita.

AITA: Can we go back to Michael's opening remarks, the question about President Clinton putting international crime on the top of the agenda, international agenda? How is the UN set up to take on that kind of role, which is a new role for the UN? How is your office set up? How do you see yourself and the UN getting involved in something that is a very domestic issue, in many cases?

VETERE: The set-up is there in the sense that there is already an inter-governmental body, which is the Commission on Crime Prevention and Criminal Justice, which was established four years ago and which meets every year. Its members are Governments elected by the Economic and Social Council every three years, and it supervises and originates and gives the mandate for whatever activities at the international level in the field of crime prevention and criminal justice within the United Nations. There is a secretariat structure which services this particular Commission, and this is the Crime Prevention and Criminal Justice Branch, which is composed of experts in various disciplines,

from law to enforcement to judicial activities, et cetera, which services the Commission and organizes the quinquennial UN Congress on the Prevention of Crime and the Treatment of Offenders. We organized, in November 1994, a World Ministerial Conference on Organized Transnational Crime. So there is a basic structure that can respond to the demands and to the requests of the international community. What is missing from this kind of general framework is the necessary resources to provide practical assistance to countries in need. As I said before, it is extremely important that in any system of cooperation there is at least a mutual confidence, mutual trust, among the officials which are working in this particular field.

LITTLEJOHNS: Mr. Vetere, do you have any estimate, or does your department have any estimate of the amount of money that's involved in international criminal activity? Billions and billions of dollars? How much?

VETERE: Billions and billions, and according to some estimates, even trillions.

LITTLEJOHNS: Trillions! My word.

VETERE: However, as I said before, those are estimates. We are still lacking a comparative methodology which can provide much more exact figures and data on a comparative basis. However, putting together the results of various national studies on the cost of crime, on the incidence of crime, the impact of crime on society is more than billions. So if one thinks that $1 trillion represents more or less the gross national product of a major industrialized country, that $1 trillion represents probably, what I would say, more than the gross national product of at least two-thirds of the membership countries of the United Nations, you can realize what is involved.

LITTLEJOHNS: This is **World Chronicle**. Our guest is Eduardo Vetere, Executive Secretary of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

NGUYEN: Mr. Vetere, you have been to many of those conferences on crime prevention: Do you have the feeling that Governments are on top of the situation?

VETERE: As a UN official, I have to say, of course, Governments are striving to do their best in order to fight against crime, in order to be responsive to the situation. But as I said before, and as everyday life is teaching us from what we can observe, first of all, there are Governments which are governments only by name. If you look at the situation in quite a number of countries, where really the entire State has been so much eroded that authorities are not in a position to control any longer anything — I am referring here to a particular situation, to countries like Somalia or Rwanda — where basically, whether this is due to famine or whether this is due to economic crisis or dislocation or poverty or whatever, the situation is such that the State cannot claim any authority any longer. There

are other situations of countries in transition, like indeed the former republics of the Soviet Union, in which the entire system is in a flux of changes, and of course not only the economic system, but also the legal structures are very much affected. And I think that in those particular cases the international community should provide assistance and should provide technical cooperation in order not to have any gaps in the system of international cooperation.

AITA: On that same point, the US officials, in discussing some of the international drug fight, were very disappointed that, for example, on the Vienna Convention on illicit drug trafficking, they say that only 54 per cent of the UN Member States have even ratified the Convention, and they estimate that only about a quarter of those members have implemented legislation to follow it up. What does that say? That there is no political will in the international community to do that? Or is it that, you know, countries are in such bad straits that they can't take basic steps, what looks to some people as a basic step here that's, you know, they've been helped along by the international community as a whole?

VETERE: Of course, as you well know, the fact that the Convention has been elaborated, or that the Convention exists, is a step forward in the development of international law. But that does not necessarily mean that problems are solved. In fact, conventions first of all have to be ratified. Once they have been ratified, they have to be implemented. Now, there are countries which take very, very seriously the process of ratification and implementation. For example, the same US Government only recently ratified the Covenant on Civil and Political Rights. This did not mean, however, that the US Government was against some of the provisions, but it took extremely seriously the fact of taking certain kinds of obligations or responsibilities at the moment of ratifying and implementing that convention. So in order to make sure that you can implement a provision of a convention, you have to make sure that some national legislation provisions are being passed by the parliament, that law enforcement officials are properly trained to implement all this — et cetera, et cetera. And this is one case, one hypothesis.

There are also other hypotheses in which sometimes — even if there is the political will on the part of the authorities and of the Government, and even if the conventions are ratified — there is a lack of means and human resources in order to be effective in the implementation. And it is mainly for this reason that the same convention foresees the possibility of international assistance and international cooperation. And I think that this should really be the case on the basis of a kind of solidarity on the part of the international community; countries should work together in order to help other countries to comply with the provisions of what has been internationally agreed upon.

LITTLEJOHNS: Mr. Vetere, your mandate includes the treatment of offenders. What does that mean, exactly? Are you trying to establish international standards to deal with these criminals, if they're convicted?

VETERE: Sure. There are a number of standards which have already been approved. There are the Standard Minimum Rules for the Treatment of Prisoners, which were approved by the first [Crime] Congress in 1955; there are procedures for the implementation of those standards; there is a system to monitor the implementation of such standards. There are other international instruments which have to do, for example, not only with the treatment of offenders but also, for example, a code of conduct for law enforcement officials — the use of arms and use of force and firearms by law enforcement; basic principles on the independence of the judiciary; basic principles on the protection of victims of crime and abuse of power. I think that it's extremely important for the international community to have agreed upon those standards because this gives all countries the possibility of having a guide in terms of new legislation, in terms of new reform, so that they can comply with these basic principles which are in line with the basic principles of the Charter, which are in line with the basic principles which are enshrined in the Universal Declaration of Human Rights, and which are also in line with a basic consideration that when we speak of crime prevention, when we speak of a rule of law, when we speak of a fight against crime, we have always to keep in mind that there is this extremely delicate balance between all these things and the protection of human rights on the other.

NGUYEN: Mr. Vetere, there are talks underway to set up a permanent international criminal court. I wonder how will you fit in that court in the future.

VETERE: Yes. We have been very, very much involved in the elaboration and in the formulation and in the studies related to the establishment of an international criminal court, even if the main responsibilities have resided in the International Law Commission and, most recently, in an ad hoc committee which has been working the past year as a result of a mandate of the General Assembly. The matter was discussed at a number of our Congresses: How do we fit? This is part of, again, the progress made at the international level. No doubt if there is an international criminal code, if there is an international criminal court, no doubt there will be also a time in which this code and this international criminal court will have to deal with serious international crimes like terrorism, like drug trafficking, like organized crime.

NGUYEN: When you met with those Governments, did you have the feeling that they are ready to surrender their own citizens to that court for trial?

VETERE: It's not a question only of surrendering the citizen to the court for trial; in fact, the question of the international criminal court, at least in terms of the current debates

and the way in which the provisions have been formulated up to now by the International Law Commission, is mainly in terms of subsidiarity of the international criminal court, in a sense, only if action is not taken by the respective countries where those crimes take place. So it's not so much the question of surrendering the citizens; this will occur only in case no action is taken at the national level. But there is more. And the more is the fact that we are dealing here with an issue in which countries and Governments are inventing new ways of dealing with problems which have become much more global, much more transnational. And in reinventing all this, no doubt they will have to give up some outmoded traditional principles like the one of national sovereignty or like the one of maintaining the fact of trying their own citizens.

LITTLEJOHNS: Judith Aita.

AITA: Back to catching the criminals, at one point.

VETERE: Yes.

AITA: When you were talking about the legislative processes are slow in ratifying a treaty, et cetera, in the meantime you also talked about how criminals are in a position to move in so quickly. And now, with computers and electronic bank transfers, how do you get — how can Governments and law enforcement get ahead of this curve? I mean, how to kind of, you know, get out in front instead of trailing behind?

VETERE: This is exactly the major point, which has to do with law enforcement and with effective law enforcement and with, in a sense, effective apprehension, and bringing criminals to justice both at the national and, particularly, the international level. You need police forces which have appropriate skills to do this; particularly in dealing with complicated cases of economic crimes, you need prosecutors who are very much familiar with financial matters. So this requires a continuous development of skills, of methodologies, of procedures at the national level. And when we transfer all this from a national level, be they transnational or international, this requires much more effective methods of mutual assistance and cooperation among the various agencies involved. And this is why I'm saying that it's important to reinvent, or to re-discuss those issues from a different perspective.

AITA: Could it take the kind of money that the UN is used to dealing with, or people are used to dealing with in hearing it in terms of peace-keeping forces, where millions and millions and millions are spent in that way, that that kind of money should be put into law enforcement and money laundering?

LITTLEJOHNS: You have about 10 seconds to reply to that.

VETERE: I'm not saying this. Probably there is need, still, of peace-keeping missions — and I was on a peace-keeping mission; but at the same time, it's also tremendously important to give more attention to the prevention of crime.

LITTLEJOHNS: Mr. Vetere, that's all the time we have. Thank you for being with us on this edition of **World Chronicle**.

Our guest has been Eduardo Vetere, Executive Secretary of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. He was interviewed by Tuyet Nguyen of United Press International and Judith Aita of USIA Press Service. I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of **World Chronicle**.

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